

REMARKS

The Office Action: objected to the Abstract; objected to claims 5 and 8; rejected claims 2 and 6 under 35 U.S.C. §112; and rejected claims 1-9 under 35 U.S.C. §103(a). Claims 1, 2, 5 and 8 are amended herein. Claim 6 has been cancelled without prejudice or disclaimer. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. Applicant believes that the objections and rejections have been overcome as set forth in detail below.

At the outset, the Abstract was objected to because the number of words exceeded one-hundred fifty. Applicant has amended the Abstract accordingly, and believes the number of words to be one-hundred thirty six. Accordingly, Applicant believes the objection has been overcome.

The Office Action objects to claims 5 and 8 because of certain informalities. In particular, claim 5 is objected to for lacking positive antecedent basis for the term “the displacement restricting member,” and claim 8 is objected to because the phrase “can be” is confusing. Claims 5 and 8 have been accordingly and Applicant believes the objections have been overcome. Accordingly, Applicant respectfully requests the withdraw of the objections to claims 5 and 8.

The Office Action rejects claims 2 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the application. Specifically, the Office Action rejects claim 6 because of the use of the word “type,” and rejects claim 6 because it is unclear what structure is set forth by the phrase “the second cutter is installed so that a load acts toward the first cutter when a film is cut.” Claim 2 has been amended accordingly and claim 6 has been cancelled without prejudice or disclaimer. Applicant believes the rejections have been overcome and respectfully requests the withdrawal of the 35 U.S.C. §112 rejection of claim 2.

The Office Action rejected claims 1-2 and 6-9 under 35 U.S.C. §103(a) as being unpatentable over JP 2002-211833 to Futoshi et al. (“Futoshi”), in view of JP 05-146991 to Junichi (“Junichi”). Of the rejected claims, claim 1 is the sole independent claim. Claim 1 has been amended to recite, at least in part, a film cutting device including: a conveyor for conveying a film; a first cutter provided on the conveyor and having a blade edge at an end of a guide surface

that is inclined in a direction of getting away from the conveyor; and a second cutter which is a rotary cutter rotatably around a rotational shaft, and cuts a film placed on the guide surface in cooperation with the blade edge of the first cutter, wherein the first cutter is moved back and forward in order to adjust a blade touching between the first cutter and the second cutter, a contact point between the blade edge of the first cutter and a blade edge of the second cutter is ***disposed at an offset position*** deviated behind a rotational direction of the second cutter with respect of a virtual reference line which is drawn in parallel with the forward and backward direction of the blade edge of the first cutter, and is drawn on the rotational shaft of the second cutter, and through a relative movement of the first cutter and the second cutter, the blade edge of the first cutter and the blade edge of the second cutter are gradually engaged with each other in an extending direction thereof in order to cut the film.

The amendments to claim 1 are clearly supported in the Specification at, for example, page 12, lines 17-19 and page 13, lines 11 to page 14, line 8, and in Figs. 5-6.

A film cutting device according to amended claim 1 obtains an effect in which "Since the blade edge 37 of the rotary cutter 16 is offset by the distance D, a precise cutting operation can be performed by allowing a load F generated by the rotation of the blade edge 37 to act in a direction being pressed against the blade edge 23 which is a receiving blade from the beginning of cutting to the end of cutting." (Specification, pg. 14, lines 4-7).

In contrast, as understood from Fig. 2 of Jenuchi, the direction in which a fixed cutter 1 is moved back and forward (a direction in which a fixed cutter 1 is moved back and forward in order to adjust the blade contact between the fixed cutter 1 and the rotary cutter 3) may be a horizontal direction on a paper space of Fig. 2. Therefore, in Junichi, a contact point between the blade edge of the fixed cutter 1 and a blade edge of the rotary cutter 3 is ***disposed on*** a virtual reference line which is drawn in parallel with the forward and backward direction of the blade edge of the fixed cutter 1, and is drawn on the rotational shaft of the rotary cutter 3. Therefore, Junichi does not disclose or suggest a contact point between the blade edge of the fixed cutter and a blade edge of the rotary cutter is disposed at an offset position deviated behind a rotational direction of the rotary cutter with respect to a virtual reference line which is drawn in parallel with a forward and backward direction of the blade edge of the fixed cutter, and is drawn on the

rotational shaft of the rotary cutter, as recited in amended independent claim 1. Accordingly, Junichi fails to disclose each of the elements of amended claim 1.

The Office Action also relies on Futoshi in support of the obviousness rejection. Futoshi generally relates to a tear tape feeding device. However, Futoshi fails to cure the deficiencies of Jenuchi for at least the reasons discussed above. (See, Futoshi, Figs. 7-8). Therefore, Jenuchi and Futoshi fail to render obvious amended claim 1, even assuming that they are properly combinable.

Accordingly, Applicant respectfully requests that the 35 U.S.C. §103(a) rejections of claim 1, and claims 2, 7 and 8 that depend therefrom, be withdrawn.

The Office Action rejects claims 3-5 under 35 U.S.C. §103(a) as being unpatentable over Jenuchi and Futoshi, and in further view of U.S. Pub. No. 2003-0079593 to DeTorre ("DeTorre"). DeTorre is merely relied on for the purported teaching regarding a displacement restricting member provided in a central area and in contact with a relief flank. (See, Office Action, pg. 4). Therefore, DeTorre fails to remedy the deficiencies of Jenuchi and Futoshi as discussed above, even assuming that Jenuchi, Futoshi and DeTorre are properly combinable.

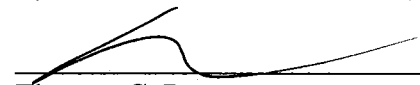
Accordingly, Applicant respectfully requests that the 35 U.S.C. §103(a) rejections of claims 3-5 be withdrawn.

For at least the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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